

REMARKS

Claims 1-40 are in the application. In the Specification, the paragraphs [0002] and [0003] and the section heading immediately preceding paragraph [0003] have been amended to reflect the current status of a number of referenced applications.

In the Office Action restriction was required between the inventions of Group I (Claims 1-28), drawn to a method for disinfecting equipment, instruments, apparatus and water, classified in class 422, subclass 37 and Group II (Claims 29-40), drawn to a method of washing poultry carcasses using water with microbiocidal activity, classified in class 426, subclass 532. Applicant respectfully traverses this requirement.

As pointed out in MPEP (8th Ed., revised Feb. 2003) §803, second paragraph:
If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions.**

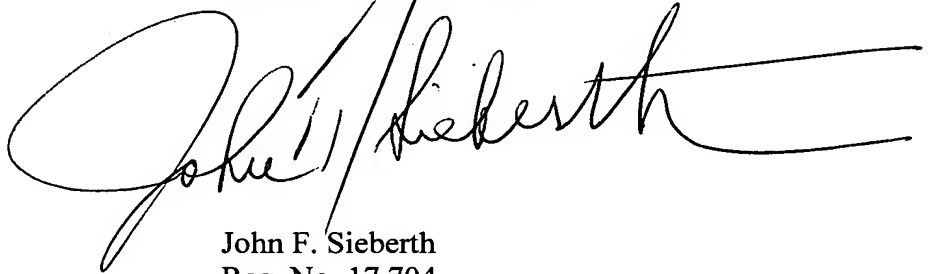
[Emphasis added.]

Groups I and II include 40 claims, 35 of which are dependent claims. The fee for all claims in the case has been paid to the Office and thus the Office has been reimbursed for the extra time, it may take to examine all 40 claims on the merits.

Moreover, the patent statute makes clear that restriction is not a mandatory procedure. Rather, the Office is given discretion to render or not render requirements for restriction. Thus even though the claims relate to independent and distinct inventions, if all 40 claims could be examined in this application without serious burden, this would be greatly appreciated.

As required, Applicants hereby provisionally elect with traverse and without prejudice, the invention of Group II (claims 29-40), should the Examiner choose to maintain this restriction requirement. Applicant also elects species 2 (water), readable on Claims 29-40.

Respectfully Submitted,



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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents

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